



Town of Uxbridge
Planning Board
21 South Main St.
Uxbridge, MA 01569
(508) 278-8603

DECISION
SPECIAL PERMIT APPLICATION
Case No. FY 08-09–Carrington Landing

Date:	March 26, 2008
Name of Applicant:	Carrington Landing, Inc.
Address of Applicant:	9 Lundvall Road Mendon, MA 01756
Owner:	Carrington Landing, Inc. / The Unit Owners of The Carrington Landing Condominium Uxbridge, Massachusetts
Location of Property:	Linwood Street Uxbridge, MA
Assessors Map/Parcel:	Town of Uxbridge Assessor's Map 12A NE, Parcel 668, Worcester County Registry of Deeds Book 27204, Page 71
Site Plan Dated:	February 15, 2007
Most Recent Revision:	April 5, 2007
Engineer or Land Surveyor:	Andrews Survey & Engineering
Zoning District:	Residence A zoning district

BACKGROUND/SUMMARY:

In accordance with Massachusetts General Laws, Chapter 40A as amended and Section VII, Subsection A 13 of the Uxbridge Zoning Bylaw, the applicant seeks a special permit for approval of a townhouse development as shown on a site plan entitled "Carrington Landing Condominium As-Built Site Plan" located off Linwood Street and consisting of development on Carrington Lane, in, Uxbridge, Massachusetts dated December 2006 with revisions through April 5, 2007 prepared by Andrews Survey & Engineering.

The application was properly filed with the Planning Board on January 9, 2008 and was subsequently reviewed. On February 27, 2008 the Planning Board was scheduled to hold a duly noticed public hearing. However, due to member absence, the applicant requested that the hearing be postponed without taking input until March 12, 2008.

On March 12, 2008, the Planning Board convened. One Member, Mr. Lutton, declared a conflict of interest and recused himself from the Board. Associate Member Mr. Desruisseaux might have been seated as a participating and voting member but also declared the appearance of a conflict of interest and also recused himself from the Board. The hearing was opened and, following input, the hearing was continued to March 26, 2008 at which time and following public input, the hearing was closed.

This application was filed pursuant to a recently adopted subsection of the Uxbridge Zoning Bylaws (Townhouse Development). Building permits were previously issued for the 50 units shown by this proposal. Following requests for enforcement action by the Board of Selectmen acting in the capacity Zoning Enforcement Officer, and appeals to the Zoning Board of Appeals, an abutter appealed the issuance of the permits to the courts, claiming that more than one dwelling unit was at that time not specifically permitted by the Uxbridge Zoning Bylaws (and was therefore not allowed). Town Meeting voters have since adopted the Townhouse Development Bylaw (VII A 13) which makes provision for multi-family development on a parcel.

The application filings indicate that while the applicant maintains that the proposal is in conformity with the then-applicable zoning requirements, a special permit issued pursuant to the so-called Townhouse Development bylaw will remove any clouds of confusion over the question.

FILINGS upon which the decision is based:

- 1) Application for Special Permit, submitted January 9, 2008 and containing application forms and checklists, deeds and ownership data and a "Narrative."
- 2) "As Built Site Plan" drawn by Andrews Survey & Engineering and consisting of the following sheets:
 - Conservation Certificate of Compliance plan dated December 2006
 - As-Built Plan, dated February 15, 2007 with revisions through April 5, 2007
- 3) Staff Review Comments from the Uxbridge DPW dated January 24 2008
- 4) Staff Review Comments from Megan DiPrete dated February 13, 2008
- 5) Staff Review Comments from the Conservation Commission, including a copy of the Certificate of Compliance for the project, identified as DEP file # 312-665.

FINDINGS AND DETERMINATIONS:

In view of the nature and scale of the existing and proposed activity, the Board determined that the materials as submitted and supplemented during the review process are sufficient.

Based on the information and data provided, the Planning Board finds that the project meets the purpose and intent of the Townhouse Development bylaw because it conserves open space and provides for a mix of housing types without the necessity of subdividing the development into individual lots. Furthermore, the dwelling units are clustered, as intended, and the project does not detract from the ecological and visual qualities of the site or its neighborhood environment.

Based on the information submitted, the Planning Board finds that the minimum lot size, maximum density, and minimum dimensional standards required by the bylaw are met by the proposal.

Based on the information submitted, the Planning Board finds that the open space and buffers are suitable. There is one location that lacks a full 35-foot wide buffer

Based on the unique characteristics of the proposal, the Planning Board finds that the proposal supports the economic needs of the community.

Based on the unique characteristics of the proposal, the Planning Board finds that the proposal adequately addresses traffic flow and safety, including parking and loading.

Based on the unique characteristics of the proposal, the Planning Board finds that the proposal makes adequate provision of utilities.

Based on the unique characteristics of the proposal, the Planning Board finds that the proposal adequately addresses neighborhood character and social structures.

Based on the unique characteristics of the proposal, the Planning Board finds that the proposal has a net positive fiscal impact on the community.

CONDITIONS

Based on the foregoing, the Planning Board voted to approve the application for special permit for expansion of the facility as described by the record materials referenced herein, with the following conditions:

1. The Applicant shall comply with all applicable laws, regulations and permit conditions required by the Uxbridge Conservation Commission, Board of Health, Fire Department, Building Department and all other departments and agencies for this project.
2. The construction details as outlined by the DPW in their correspondence dated January 24, 2008 shall be completed. This includes installation of the frame and grate casting on

the catch basin shown as CB 1-AL and any appurtenant work required to properly complete the work.

3. No change to the area or nature of the open space as shown on the plan shall be permitted without application, review and approval by the Planning Board as an amendment to this Special Permit
4. Within 60 days of the date of this decision, the Applicant shall record this Special Permit at the Worcester County District Registry of Deeds and provide evidence thereof to the Planning Board. Failure to do so shall render this special permit null and void.
5. This special permit is tied to the Master Deed of the condominium association, recorded at the Worcester District Registry of Deeds Book 38321 Page 304.
6. In accordance with MGL Chapter 40 A S. 17, this Special Permit shall lapse in two years if construction has not begun by such date except for good cause.

Uxbridge Planning Board

John Morawski, Chairman

Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40A Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk. A copy of this decision has been filed with the Town Clerk on _____

I hereby certify that twenty (20) days has elapsed from the date this decision was filed and no appeal has been filed in this office.

A true copy: ATTEST

Town Clerk/Assistant Town Clerk
(Town Seal Affixed)

